

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

BRADLEY ELDER,

*Plaintiff,*

v.

JEFF HORNBERGER,

*Defendant.*

Civil Action No. 2:19-cv-908

Hon. William S. Stickman IV

Hon. Maureen P. Kelly

**ORDER OF COURT**

Bradley Elder (“Plaintiff”), proceeding *pro se*, filed a civil rights Complaint in the above-captioned matter (ECF No. 6), which failed to comply with the pleading requirements of Fed. R. Civ. P. 8 and the standards set forth in *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544 (2007) and *Ashcroft v. Iqbal*, 556 U.S. 662 (2009). Magistrate Judge Maureen P. Kelly<sup>1</sup> issued an Order directing Plaintiff to file an Amended Complaint (ECF No. 5) to cure the pleading deficiencies no later than September 16, 2019, and he did not do so. Plaintiff was ordered to Show Cause as to why his case should not be dismissed for failure to prosecute and/or obey Court orders or because the Complaint failed to state a claim upon which relief could be granted. (ECF No. 8). Plaintiff never filed a response by the October 23, 2019 deadline. On November 21, 2019, Magistrate Judge Kelly issued her Report and Recommendation that Plaintiff’s Complaint be dismissed with prejudice for failure to prosecute due to his failure to file an Amended Complaint as ordered and failure to file a response to the Order to Show Cause. (ECF No. 9). Plaintiff was

---

<sup>1</sup> The case was referred to Magistrate Judge Kelly in accordance with the Magistrate Judge’s Act, 28 U.S.C. § 636(b)(1), and LCvR 72.C and 72.D.

given until December 9, 2019, to file written objections to the Magistrate Judge Kelly's Report and Recommendation. No objections have been filed.

Upon the Court's independent *de novo* review of the record, it ADOPTS Magistrate Judge Kelly's Report and Recommendation as the Opinion of the Court. IT IS HEREBY ORDERED this 23 day of December 2019, that Plaintiff's Complaint (ECF No. 6) is DISMISSED WITH PREJUDICE for failure to prosecute.

IT IS FURTHER ORDERED that, pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, if any party wishes to appeal from this Order, as provided in Fed. R. App. P. 3, a notice of appeal must be filed with the Clerk of Court, United States District Court, as 700 Grant Street, Room 3110, Pittsburgh, PA 15219, within thirty (30) days.

BY THE COURT:

A handwritten signature in black ink, appearing to read "W S Stickman IV", written over a horizontal line.

WILLIAM S. STICKMAN IV  
UNITED STATES DISTRICT JUDGE